

United States District Court
Eastern District of Texas
Sherman Division

David E. Mack §
§
vs § Cause No. 4:11-cv-349
§
Advantage Assets II, Inc., et al §

Defendants' Response to Motion to Dismiss

TO THE HONORABLE JUDGE OF THIS COURT:

The Defendants, Advantage Assets II, Inc. (referred to hereafter as "Advantage"), Leonard Pruzanksy, and Timothy Feldman, file this Response to Motion to Dismiss and in support thereof would show as follows:

1. The Plaintiff's "motion" consists of the second part of a single sentence and states "the Countercomplaint should be dismissed for failure to state a claim upon which relief can be granted." The Plaintiff provides no argument or authorities for this unsubstantiated statement.

2. The Defendants' counterclaim is based upon that the assertion that this action was brought in bad faith and for the purpose of harassment in violation of 15 U.S.C. § 1692k(a)(3). The basis for this allegation is set forth in the Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May be Granted [Docket No. 5] which is incorporated herein by reference the same as if fully copied and set forth at length herein.

3. The Defendants are unable to answer further due to the vague unsubstantiated allegations of the Plaintiff's "motion."

WHEREFORE, the Defendant respectfully requests that the Court deny the Plaintiff's motion and for such other and further relief, both at law and in equity, to which the Defendant may be justly and legally entitled.

Respectfully Submitted,

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/s/Ed Walton
Ed Walton
SBN: 20828550

Certificate of Service

This is to certify that a true and correct copy of this instrument was this day forwarded to all counsel of record through the Court's ECF system and to those identified below via the United States Postal Service.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252

Signed July 26, 2011.

/s/Ed Walton
Ed Walton